

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Jerry Lee Morrisette,  
Petitioner,  
v.  
Perry Russell, *et al.*,  
Respondents.

Case No. 3:21-cv-00189-ART-CLB

**Order granting extension of time  
to file an opposition to  
Respondents' motion to dismiss  
second amended § 2254 petition  
(FOURTH REQUEST)**

Petitioner Jerry Lee Morrisette respectfully moves this Court for an extension of time of 30 days from March 13, 2023, to April 12, 2023, to file his opposition to Respondents' motion to dismiss the second amended petition.

1 **POINTS AND AUTHORITIES**

2 Petitioner Jerry Morrisette mailed his pro se federal petition for writ of  
3 habeas corpus on or about March 30, 2021, and the federal court filed his petition on  
4 April 22, 2021. ECF No. 2. The Court appointed the Federal Public Defender to  
5 represent Morrisette on May 5, 2021. ECF No. 5. A protective first amended petition  
6 was filed on or about May 13, 2021. ECF Nos. 9, 15. The undersigned attorney filed  
7 her notice of appearance on May 21, 2021. ECF No. 11. The second amended petition  
8 was filed March 31, 2022. ECF No. 24. Respondents filed the motion to dismiss on  
9 October 26, 2022. ECF No. 35.

10 Petitioner Jerry Morrisette respectfully asks this Court to enter an order  
11 extending the deadline for filing the opposition to the motion to dismiss from March  
12 13, 2023, to April 12, 2023.

13 This is Morrisette's fourth request for an extension of this deadline. The  
14 undersigned attorney contacted opposing counsel, Deputy Attorney Geordan Goebel,  
15 on March 13, 2023, who did not object to this request for extension of time.

16 Counsel seeks an extension in light of her recent and upcoming schedule. Since  
17 counsel's last request for an extension of time she: had a legal conference call with a  
18 client housed at Ely State Prison on February 10; appeared at a state court hearing  
19 in *Taylor v. Director, NDOC*, case no. A-22-855607-W (8<sup>th</sup> Jud. Dist. Ct.), on February  
20 15; had legal conference calls with two clients who are housed at High Desert State  
21 Prison on February 21; had a legal conference call with a client who is housed at High  
22 Desert State Prison on February 23; had a legal conference call with a client who is  
23 housed at Ely State Prison on February 24; travelled to Portland, Oregon, and then  
24 onto Pendleton, Oregon, on February 28 to then meet with a client in person on March  
25 1 who is located at a state prison in Pendleton, Oregon; attended the Federal  
26 Defender Organization's non-capital habeas conference on March 2 and 3 in Portland,  
Oregon; filed a motion to transport petitioner to complete a neuropsychological

1 evaluation in *Lewis v. Garrett*, case no. 2:21-cv-01971-ART-VCF (D. Nev.), on March  
2 6; represented individuals in federal court for initial appearances on March 9; and  
3 met with a client in-person at High Desert State Prison on March 10.

4 In the upcoming 30 days counsel will: visit a new client at Northern Nevada  
5 Correctional Center on March 14; take annual leave March 17 through March 22;  
6 visit a client at Florence McLure Women's Correctional Center on March 24; visit an  
7 inmate at High Desert State Prison on April 5; and appear for oral argument in San  
8 Francisco at the Ninth Circuit Court of Appeals on April 10. Counsel also has the  
9 following filing deadlines in the coming 30 days: an amended petition in *Lewis v.*  
10 *Johnson*, case no. 2:21-cv-01971-ART-VCF (D. Nev.), due March 27; an application  
11 for a certificate of appealability in *Kinford v. Wickham*, appeal no. 22-16323 (9th Cir.),  
12 due March 27; an amended petition in *Pitrello v. Najera*, case no. 2:22-cv-00835-APG-  
13 EJY (D. Nev.), due April 4; an amended petition in *Ford v. Johnson*, case no. 2:21-cv-  
14 01742-APG-DJA (D. Nev.), due April 6; and an amended petition in *Hogarth v.*  
15 *Johnson*, case no. 2:21-cv-00251-KJD-DJY (D. Nev.), due April 7.

16 This request for extension of time is not made for purposes of delay and is made  
17 for the effective and thorough representation of Petitioner Morrisette in his federal  
18 habeas action.

19 Accordingly, counsel respectfully requests this Court grant the request for an  
20 extension of time to file the opposition to Respondents' motion to dismiss up to and  
21 including April 12, 2023.

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1 Dated March 13, 2023.

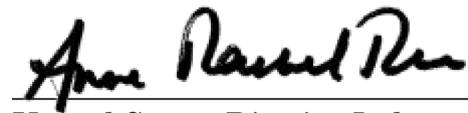
2 Respectfully submitted,

3 Rene L. Valladares  
4 Federal Public Defender

5 /s/ Alicia R. Intriago

6 Alicia R. Intriago  
7 Assistant Federal Public Defender  
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21 IT IS SO ORDERED:

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24 United States District Judge  
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Dated: March 20, 2023